

**Authorizing The Commissioner Of Finance To Accept The New York State Department Of Environmental Conservation's Offer To Purchase A Parcel Of County-Owned Real Property In The Town Of Esopus And Authorizing The Chairman Of The Ulster County Legislature To Convey Such Parcel – Department Of Finance**

Referred to: The Energy and Environment Committee (Chairman Richard Parete and Legislators Bartels, Heppner, Lapp and Wawro), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Thomas J. Briggs offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Finance; and

WHEREAS, the Commissioner of Finance has requested permission to accept an offer from the New York State Department of Environmental Conservation (hereinafter referred to as the "DEC") to purchase a parcel of county-owned real property as hereinafter described, which was acquired by the County by reason of non-payment of taxes on March 27, 2014; and

WHEREAS, the DEC has offered to purchase the approximately 120.56 acre site, located in the Town of Esopus, County of Ulster, State of New York, and identified as SBL No.: 71.3-5-27.200 (hereinafter referred to as the "Parcel") for the sum of one hundred seventy-five thousand and 00/100 dollars (\$175,000.00) from the County; and

WHEREAS, the Parcel has unpaid taxes in the amount of \$71,129.64 dating back to the year 2011; and

WHEREAS, the parcel contains critical wetland and upland habitat areas associated with the Black Creek watershed; and

WHEREAS, the Black Creek and its associated wetland and upland areas is included in the State's Open Space Conversation Plan (2009 edition) due to its importance in providing habitat for numerous wetland dependent wildlife species as well as providing a variety of public outdoor recreational opportunities; and

WHEREAS, the County has a history of demonstrating its support and commitment to open space preservation; and

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WHEREAS, the County recognizes that it is in the best interest of the public that the property be preserved in its entirety for reasons of environmental conservation and public recreation; and

WHEREAS, the DEC recognizes the Parcel's unique value, and has offered the County "Just Compensation" in the amount of \$175,000.00; and

WHEREAS, the County, a municipal entity, can convey the parcel to the DEC, a department of the State of New York, pursuant to New York's General Municipal Law § 72-h; and

WHEREAS, the acquisition and sale of property by the County for tax purposes, regardless of size the County constitutes a Type II action under section 4.1.5 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution No. 118 on April 20, 2010; now, therefore, be it

RESOLVED, that the Ulster County Commissioner of Finance is authorized to accept the DEC's offer to purchase the Parcel for \$175,000.00; and be it further,

RESOLVED, that the Chairman of the Ulster County Legislature is authorized and directed to make, execute and deliver to the DEC any and all documents required to transfer the Parcel from the County to the DEC, including but not limited to, a quitclaim deed conveying the interest of the County in said parcel, which quitclaim deed shall contain the covenant that the said County of Ulster shall in no event be or become liable for any defects in title conveyed for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance or the proceedings leading thereto, and a Land Purchase Agreement; said any and all documents to be reviewed and approved by the Ulster County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Gerentine)

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Passed Committee: Energy and Environment on May 9, 2016

Passed Committee: Ways and Means on May 10, 2016

**FINANCIAL IMPACT:**

**TOTAL UNPAID TAXES: \$71,129.64**

**TOTAL JUST COMPENSATION: \$175,000.00**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of May in the year Two Thousand and Sixteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of May in the year Two Thousand and Sixteen.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
19<sup>th</sup> Day of May, 2016.

Approved by the County Executive this  
26<sup>th</sup> Day of May, 2016.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

|s| Michael P. Hein  
Michael P. Hein, County Executive